IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9204 OF 2005

Shri Narayan Dhondu Zolage
and others ..Petitioners

versus

Maharashtra Seamless Limited
and others ..Respondents

Ms. S. Y. Jahagirdar i/b. Shri P. S. Dani for the Petitioners.

CORAM : DR. D.Y.CHANDRACHUD,J.
DATE : 10TH FEBRUARY,2006

P.C. :

. This Petition is directed against the Order of the District Judge at Alibag affirming the denial of interim relief by the Trial Court. At this stage, it is not necessary or appropriate that this court enter upon any conclusive determination of the contentions of the rival parties since the trial is still to take place. Primafacie both the Courts have found that the Petitioners have failed to establish the right to use the pathway in dispute either on the basis of an easement of necessity or of prescription. The finding of fact does not

warrant interference particularly at the interlocutory stage. However, it is clarified that all the observations contained in the impugned order and in the present order are confined only to the disposal of the application for interim relief. The learned Trial Court shall decide the suit uninfluenced by these observations. It will be open to the Petitioners to apply to the Trial Court for an early hearing of the suit. Petition is dismissed.

(DR. D. Y. CHANDRACHUD, J.)